

DATA REQUEST #25
WASTE MANAGEMENT

BACKGROUND

Appendix K (Phase I Site Assessment) of the SPPE recognizes that (a) portions of the proposed site were used for agricultural production as far back as 1945, (b) recorded easements for onsite utility pipelines date back to 1929 and (c) easements for onsite electric substations were granted as early as 1954. These historic uses and activities occurred well before current environmental regulations and could have resulted in the release of hazardous substances at the site, posing a risk to human health or the environment. Potential hazardous substances might include, but not be limited to, various pesticides from agricultural activities in that era including Chlordane, Toxaphene, Lindane, Endosulfan, DDT (and DDE, DDD) and arsenic, petroleum based fuels and PAHs from pipelines, and polychlorinated biphenyls (PCBs and chlorinated hydrocarbon contaminants PCDDs and PCDFs).

A Phase II Environmental Site Assessment (following ASTM guidelines), and any remediation, if necessary, should therefore be conducted prior to construction of the project.

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25. Please provide a protocol and schedule for executing the above investigation and any applicable remediation for the power plant area, associated laydown area, and all appurtenant locations. The schedule will need to reflect best and worst case planning scenarios with all applicable assumptions and milestones. The protocol would be subject to the approval of Energy Commission staff and that of the Department of Toxic Substances Control (DTSC).

DATA RESPONSE

25. In the Phase I ESA conducted July 2005, URS stated in the Executive Summary portion of the document "Based on the review of historical information, portions of the subject property appear to have been agriculturally developed from at least 1945 to the early 1960s." Since the authorship of this ESA, URS has come to question the accuracy of this statement based on more extensive conversations with knowledgeable IID personnel, and a more thorough review of historical information, particularly the aerial photos and easement maps. To frame the discussion, recall that the Project will occupy a total of 22 acres in the southwest corner of the larger IID-owned 160-acre Property.

In the aerial photo dated 1949, there appears to be some evidence of human activity in the northwest portion of the Property adjacent to the water easement, and possibly in the southeast corner as well. However, it is not at all clear that these apparent activities are

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agricultural in nature, especially when compared to other known agricultural activities that are taking place on adjacent parcels. A review of the 1945 and 1953 aerial photos reveals no evidence of these apparent activities. There are numerous possible explanations for the apparent activities in these areas on the Property. It is widely acknowledged that military training and exercise activities occurred throughout the Imperial Valley, including the nearby Camp Dunlap Marine Base, during this time. It may also be that service or maintenance work is taking place on the water pipeline. Most importantly, these apparent human activities are not located on or near the 22-acre Project Site. Therefore, the Project does not feel that performing Phase II investigative activities related to pesticides within the 22-acre Project Site is applicable or necessary.

During the execution of the Phase I ESA, URS reviewed a Condition of Title Report for the entire IID-owned 160-acre Property, including the 80-acre portion for which the Phase I ESA was performed, and the details are summarized in Section 3.1, Title Report, of Appendix K. Additionally, IID contracted with Tesco Surveying and Engineering, Inc. (October 2005) to perform a survey of the 160-acre Property, including a site plan (see attachment WASTE-1, ALTA Survey) which identifies and locates all of the easements in question, particularly the easements that involve pipelines, as mentioned in Data Request #25. None of these easements and/or pipelines includes or involves the construction, installation or transportation of PAHs (polyaromatic hydrocarbons) or petroleum-based fuels. Specific information and details relating to these easements and their use or purpose are described below. The Applicant does not feel that performing Phase II investigative activities for the purpose of identifying potential problems associated with petroleum hydrocarbons and/or fuels is necessary or appropriate for the following reasons:

- Imperial Utilities Corporation easement for a pipeline on December 3, 1949 – this pipeline is for water transportation, and runs to the northeast corner of the 160-acre Property, with a small portion crossing the lower 80 acres, but not within the 22-acre Project Site.
- Southern Pacific Railroad easement for pipelines, ditch and flume on November 10, 1948 – this pipeline and related facilities are also for the transportation and handling of water, running parallel and north of the aforementioned easement, but not within or near the 22-acre Project Site.
- Southern California Gas Company easement for a pipeline on November 10, 1948 – this easement was related to the natural gas pipeline(s) located along the eastern boundary of the 160-acre Property parallel to Cuff Rd. This easement is not near the 22-acre Project Site.

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Two easements relating to the existing Niland Substation, dated August 18, 1954 and December 28, 1965 respectively are also mentioned. Applicant acknowledges the presence of electrical transformers within this substation dating back as far as 1954, which were potentially equipped with PCB-containing (polychlorinated biphenyls) oils. It is known that the tie-in to the existing Niland Substation may require small, localized areas of potential ground disturbance to facilitate component installation. Therefore, Applicant acknowledges the value in performing limited Phase II investigative activities in these specific areas in order to identify potential PCB contamination that may be present. URS has prepared a Scope of Work and Schedule (see attachment WASTE-2, Phase II Scope) for accomplishing the aforementioned Phase II investigation and any necessary clean-up activities.